

### **REMARKS**

The Non-Final Office Action dated January 6, 2011 has been received and reviewed. Prior to the present communication, claims 1-30, 32-63, and 65-71 were pending in the subject application. All claims stand rejected. Each of claims 1, 17, and 35 has been amended herein. Accordingly, claims 1-30, 32-63, and 65-71 remain pending. Support for the amendments may be found in the Specification, at least, at page 8, line 28; page 10, line 28 to page 11, line 5; and page 3, lines 7-9. Care has been exercised to introduce no new matter. Applicants respectfully request reconsideration of the present Application in view of the following remarks.

#### **Rejections based on 35 U.S.C. § 103**

Claims 1-30, 32-63, and 65-71 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,177,931 to Alexander, et al. (hereinafter “Alexander”) in view of U.S. Publication No. 2002/0010928 to Sahota (hereinafter “Sahota”) and U.S. Patent No. 6,463,585 to Hendricks, et al. (hereinafter “Hendricks”). Applicants respectfully submit that the cited references fail to teach or suggest every element of independent claims 1 and 35, as amended herein. Accordingly, Applicants respectfully traverse this rejection.

Independent claim 1, as amended herein, is directed to a system for displaying promotions on a viewing device. Claim 1 recites, in part, separately receive both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually

addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message. In other words, the transmission schedule is transmitted to each network device individually using a messaging protocol for a unicast transmission. *See As-Filed Specification*, p. 10, line 28 to p. 11, line 5. The promotions, however, are transmitted using a different messaging protocol for multicast and broadcast transmissions. *Id.*

In contrast, Alexander is directed to the display of, and recording control interface with, television programs, video, advertising information and program scheduling information. *See*, Alexander, col. 1, ll. 35-40. Alexander links an advertisement with a time and channel of a program and enables a user to select the program. *Id.* at col. 4, ll. 28-43 and col. 5, ll. 7-14. Alexander fails to teach or suggest separately receiving both the transmission schedule as a message individually addressed to the network device and a promotion. *See Non-Final Office Action dated 01/06/2011*, p. 4. As such, Applicants respectfully submit that Alexander also fails to teach or suggest separately receiving both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message.

Sahota fails to overcome the deficiencies of Alexander. Sahota is directed to integrating Internet advertising with television commercials. *See e.g.*, Sahota, Abstract. Sahota

describes inserting an ATVEF trigger into a TV commercial to link the TV commercial with an Internet advertisement. *Id.* at ¶ [0053]. Sahota also fails to teach or suggest separately receiving both the transmission schedule as a message individually addressed to the network device and a promotion. *See Non-Final Office Action dated 01/06/2011*, p. 4. As such, Applicants respectfully submit that Sahota cannot teach or suggest separately receiving both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message.

Hendricks further fails to overcome the deficiencies of Alexander. Hendricks is directed to allowing targeted advertising directed to television terminals connected to an operations center or cable headend. *See e.g.*, Hendricks, Abstract. Individual television terminal address information is collected at an operations center to uniquely identify each television terminal to associate it with information necessary to aid the targeting process. *Id.* at col. 4, ll. 54-62. Messages and advertisements may be delivered to an individual television terminal. *Id.* at col. 5, ll. 5-7. Delivering messages and advertisements to an individual television terminal is distinct from receiving an *individually addressed* transmission schedule, as in amended claim 1. It appears that the Office is equating *individual targeting* with an *individually addressed transmission schedule* and the two cannot be equated. To advance prosecution and further clarify this distinction, claim 1 has been amended such that the transmission schedule is a

**unicast** message. Hendricks clearly does not teach or suggest this feature. Rather, Hendricks teaches away as it states, and the Office concedes, that a broadcast protocol is utilized to send messages to groups. *Id.* at col. 26, line 54 to col. 27, line 6; *see also, Non-Final Office Action dated 01/06/2011*, p. 4. As Hendricks teaches only delivering broadcast messages, it cannot teach or suggest separately receiving both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message.

As such, Applicants respectfully submit that independent claim 1, as currently amended, is not obvious over Alexander in view of Sahota and Hendricks. Thus, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of independent claim 1 be withdrawn. Each of claims 2-30, 32-34, and 68-70 depend, either directly or indirectly, from independent claim 1. Thus, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2-30, 32-34, and 68-70 is respectfully requested for at least the above-cited reasons. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

Independent claim 35, as amended herein, is directed to a method for displaying targeted promotions on a viewing device. The method includes, in part, receiving a promotion and a transmission schedule, wherein the transmission schedule contains control data that

specifies a condition for activating the promotion for display on the viewing device and the transmission schedule is received as a **unicast** message that is individually addressed to the viewing device.

Independent claims 1 and 35 recite generally similar claim limitations. Therefore, the above arguments regarding independent claim 1 apply with equal force to independent claim 35. As such, for the reasons set forth above with respect to independent claim 1, Applicants respectfully request withdrawal of the rejection of independent claim 35. Each of claims 36-63, 65-67, and 71 depend, either directly or indirectly, from independent claim 35. As such, Applicants request withdrawal of the rejection of claims 36-63, 65-67, and 71 as well. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

### **CONCLUSION**

For at least the reasons stated above, claims 1-30, 32-63, and 65-71 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [asturgeon@shb.com](mailto:asturgeon@shb.com) (such communication via email is herein expressly granted) – to resolve the same.

Submitted herewith is a Request for a One-Month Extension of Time, along with the appropriate fee. It is believed that no additional fee is due. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number 325520.02/MFCP.143798.

Respectfully submitted,

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